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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,095	06/23/2003	Dawson W. Kesling	P16302	7242
28062	7590	05/17/2005		EXAMINER
BUCKLEY, MASCHOFF, TALWALKAR LLC 5 ELM STREET NEW CANAAN, CT 06840			NGUYEN, TUYEN T	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/602,095	KESLING ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	TUYEN T. NGUYEN	2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 February 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) 6 and 8-16 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 and 7 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 23 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of group I, embodiment 1, claims 1-7 in the reply filed on 2/28/2005 is acknowledged. The traversal is on the ground(s) that group I and II-III are not distinct from one another and figures 2-4 are not distinct species. This is not found persuasive because there are different ways to made the device of invention I and the device of invention I can be used in other system. In the specification, applicant specified different embodiments regarding to figures 2-4. Claim 6 do not read on the elected species of embodiment 1 [figure 2].

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, application should clarify the structure/arrangement of the one or more electrically isolated metallic units in order to “satisfy a metal density rule.” Applicant should clarify what is intended by “the inductor and the one or more units to satisfy a metal density rule.” Applicant should clarify what is intended by “wherein substantially no current *is to flow within one or more of the one or more metallic units.*”

Regarding claim 5, applicant should clarify what is intended by “the inductor elements and the one or more metallic units in a device layer to satisfy the metal density rule for the device layer.”

Regarding claim 7, there is no antecedent basis for “the one or more metallic strips.”

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-4 and 7, as best understood in view of the rejection under 35 USC 112 second paragraph, are rejected under 35 U.S.C. 102(b) as being anticipated by Mizuta [US 5,198,647].

Mizuta discloses a device [figure 9] comprising:

- at least one integrated inductor [34]; and
- one or more electrically isolated aluminum units [39] disposed proximate to the at least one inductor, wherein substantially no current is to flow within the aluminum units.

Regarding claim 3, copper is a known material in conducting heat/electrical area.

Regarding claim 7, Mizuta inherently discloses the one or more aluminum units do not substantially decrease a Q of the inductor.

Claims 1-5 and 7, as best understood in view of the rejection under 35 USC 112 second paragraph, are rejected under 35 U.S.C. 102(e) as being anticipated by Gomez et al. [US 6,847,282].

Gomez et al. discloses a multi-layered device [figure 5] comprising :

- a plurality of layers [530, 532, 534, 536] ;
- a plurality of inductor elements [510, 512] disposed in the plurality of the plurality of layers; and
- one or more conductive units [516, 518] disposed proximate to the inductor elements, wherein substantially no current flow within the one or more conductive units.

Regarding claims 3-4, copper and aluminum are well known material in heat/electrical conducting.

Regarding claim 7, Gomez et al. inherently discloses the one or more conductive units do not substantially decrease a Q of the inductor.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kimura et al. [JP 62-152111].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUYEN T. NGUYEN whose telephone number is 571-272-1996.

The examiner can normally be reached on M-F 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ELVIN ENAD can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTN *TTN*

*Tuyen T. Nguyen*